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**To:** Hon. Commissioner for Patents, TC3622  
ATTN: Examiner DONALD L. CHAMPAGNE

**From:** Craig S. Fischer

**Fax:** (571) 273-8300

**Pages:** 4 (inclusive)

**Re:** Serial No.: 09/295,864  
Filed: April 21, 1999  
Attorney Docket No: MCS-003-98

**Date:** October 26, 2005

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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on October 26, 2005

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This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Request for Continued Examination (RCE) Transmittal Letter (1 page);
3. Credit Card Payment Form (1 page for RCE filing fee);
4. Amendment Transmittal Letter (1 page).

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PTO/SB/30 (09-04)

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Request  
for  
Continued Examination (RCE)  
TransmittalAddress to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/295,864
Filing Date	04/21/1999
First Named Inventor	FELDSTEIN et al.
Art Unit	3622
Examiner Name	DONALD L. CHAMPAGNE
Attorney Docket Number	MCS-003-98

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☒ Other Amendment Under 37 C.F.R. 1.116 filed on September 23, 2005

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_. I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.138 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

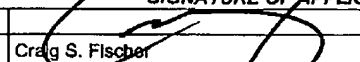
10/28/2005 BABRAHA1 00000087 09295864

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Signature		Date	October 26, 2005
Name (Print/Type)	Craig S. Fischer	Registration No.	42,535

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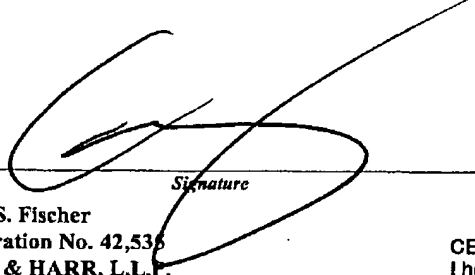
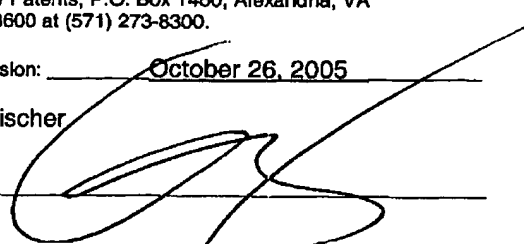
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Signature		Date	October 26, 2005
Name (Print/Type)	Craig S. Fischer		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OCT 26 2005

<b>TRANSMITTAL LETTER (Large Entity)</b> Applicant(s): <b>FELDSTEIN et al.</b>			Docket No. <b>MCS-003-98</b>		
Serial No. <b>09/295,864</b>	Filing Date <b>04/21/1999</b>	Examiner <b>DONALD L. CHAMPAGNE</b>		Group Art Unit <b>3622</b>	
Invention: <b>SYSTEM AND METHOD FOR DYNAMICALLY PROVIDING PERSONALIZED TRACKED DATA AND AUTOMATICALLY UPDATING THE DATA</b>					
<u>TO THE HON. COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	32	32	0	x \$ 50.00	\$ 0.00
INDEP. CLAIMS	4	4	0	x \$ 200.00	\$ 0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 0.00
<input type="checkbox"/> No additional fee is required. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> A Credit Card Payment Forms (PTO-2038) for payment for the RCE filing fee in the amount of \$ 790.00 is attached.					
 Signature		Dated: October 26, 2005			
Craig S. Fischer Registration No. 42,536 LYON & HARR, L.L.P. 300 East Esplanade Drive Suite 800 Oxnard, CA 93036-1274 TEL: (805) 278-8855 FAX: (805) 278-8064		CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: RCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC3600 at (571) 273-8300. Date of Transmission: <u>October 26, 2005</u> By: Craig S. Fischer Signature: 			

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